

LEGISLATIVE REVIEW



THE REVIEW OF ENACTED AND AMENDED LAWS

A. INTRODUCTION

On 13th February 2019, the President of the United Republic of Tanzania had assented several legislations which were passed by the Parliament. These includes: -

1. The Political Parties (Amendment) Act, 2019 (Act No. 1 of 2019),
2. The Tanzania Meteorological Authority Act, 2019 (Act No. 2 of 2019),
3. The Land Transport Regulatory Authority Act, 2018 (Act No. 3 of 2019),
4. The Written Laws (Miscellaneous Amendment) Act, 2019 (Act No. 4 of 2019),
5. The Water Supply and Sanitation Act, 2019 (Act No. 5 of 2019),
6. The Written Laws (Miscellaneous Amendments) (No.2) Act, 2019 (Act No. 6 of 2019),

In this month update, FIN & LAW highlights the key and substantive changes in the said legislations and their general implications. Please note, this update provides only the very basic information on the subject. For further and better insight, you are advised and required to read the law or seek professional guidance on the detailed information and legal implication thereof.

B. AMENDMENT OF POLITICAL PARTIES ACT, CAP 258

- i. The Political Parties Act, Cap. 258 has been amended by the Political Parties (Amendment) Act, 2019 (Act No. 1 of 2019). *The amendments have enhanced powers and functions of the Registrar of the Political Parties (Section 3) to include, monitor intra-party elections and nomination process; disburse and monitor accountability of Government subvention to political parties which qualify under the Act; provide guidelines and monitor income and expenditures of political parties and accountability of party resources; provide civic education regarding multiparty democracy, laws administered by the Registrar and related matters; regulate civic education provided to political parties; advise the Government on issues related to political parties; facilitate*



KEY ISSUES:

- Amendment of Political Powers have enhanced the powers of the Registrar of Political Parties including, regulating internal affairs of the political parties
- The enactment of Land Transport Regulatory Authority which creates LATRA repeals and abolishes the Surface and Marine Regulatory Authority (SUMATRA).
- Reduction and Application of uniform Property rates on all City Councils, Municipal Councils, Town Councils as well as for District Councils. Tanzania Revenue Authority (TRA) now empowered to collect Property Rates on behalf of local Authorities

functions of the police force or any government security organ. A strenuous penalty of up to 20 years jail sentence as well as deregistration of the political party has been imposed against violation of this requirement.

- viii. Finally, and important to note among others, *the amendments to the Act have formally recognized the Coalition of political parties. The Act provides that where Two or more political parties fully registered may form a coalition before or after general election.* The parties forming the coalition must submit to the Registrar of Political Parties an authentic copy of the coalition agreement entered between or among such parties (S.11A).

C. THE ENACTMENT OF THE TANZANIA METEOROLOGICAL AUTHORITY ACT, 2019 (ACT NO. 2 OF 2019)

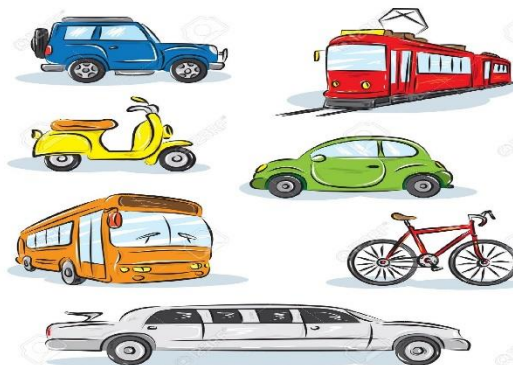
- i. The enactment of this Act establishes the Tanzania Meteorological Authority and to provide the management, control, provision, coordination and regulation of meteorological services in Tanzania. The Act repeals the previous Meteorology Act Cap. 157.
- ii. The Tanzania Meteorological Authority (“the Authority”) is established as a body corporate (S. 4(3)) and is designated as the National Meteorological Service; also designated authority to fulfil the international obligation of the Government of Tanzania under the Convention of International Civil Aviation Organization; and the designated National Tsunami Warning Centre S. 4(2)
- iii. The Authority is charged under Section 5 of the Act with numerous functions among others including to implement the National climate related policies in relation to weather and climate matters; regulate and coordinate meteorological activities in Tanzania; provide weather and climate services for the safety of life and property and to various users of meteorological services; issue severe weather-related warnings and advisories; publish weather and climatological summaries, approve and register meteorological stations.
- iv. The Act imposes a requirement for any person who intends to engage in any meteorological observations, weather forecasting activities or weather modification activities to apply for a permit to the Authority (S. 15). The permit is valid for one year (S. 16).
- v. It is important to note that, *under Section 25 of the Act, requires instruments for meteorological measurement shall be subjected to calibration, verification and maintenance from recognized institutions and inspected by the Authority. Any person who uses an instrument or equipment that is not examined or accepted by the Authority commits an offence and may be subjected to a fine of up to TZS 10million or to a jail sentence of up to five years or both.*



- vi. Section 52 provides for appeal mechanism whereby any person not satisfied by the decision of the Authority may appeal to the Director General who must determine the matter within 14 days. If a person is further not satisfied with the decision of the Director General further appeal to the Authority’s Board that must determine the matter within 21 days.

D. THE LAND TRANSPORT REGULATORY AUTHORITY ACT, 2019 (ACT NO. 3 OF 2019)

- i. The Act has been enacted to establish the Land Transport Regulatory Authority (LATRA) to regulate land transport sector. The Act effectively repeals the Surface and Marine Transport Authority (SUMATRA).
- ii. LATRA is established as a board corporate (S. 4). *LATRA is responsible to oversee the regulated sector under the Authority which includes rail transport, commercial road transport, commercial underground and cable transport.* LATRA is Responsible for to issuing, renewing and cancel permits or licences; to coordinate land transport safety activities; to register crew and certify drivers of regulated sector; to certify worthiness of rolling stock and road worthiness of public service vehicles and goods vehicles; to regulate rates and charges, to monitor the performance of the regulated sectors including- levels of investment; availability of safe, quality and standards of services (Section 5).
- iii. The Act has empowered LATRA to set rates and charges on all licenses granted under the respective sector legislations, to obtain any information or documents from any person including to summon such person before the Authority to produce such information, to hold inquiry on any matter related to the sector. It is also the requirement of the Act that LATRA shall establish annual consultation with stakeholders for the purpose of effectively carrying out its functions (Section 25).
- iv. Section 29 establishes the Consumer Consultative Council (“the Council”) which consist of 7 members appointed by the Minister from amongst individuals representing consumers’ interests. The Council tenure is divided into two whereby 2 members have tenure of 4 years and 5 members have tenure of 5 years and is limited for two consecutive terms (Section 30). The Council is responsible for representing the interests of consumers by making submissions to, providing views and information to and consulting with the Authority, Minister and regulated sector Ministers; to receive and disseminate information and views on matters of interest to consumers of regulated goods and services (Section 31).



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G. THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.2) ACT, 2019 (ACT NO. 6 OF 2019)

- i. Several laws were amended through the Written Laws (Miscellaneous Amendments) (No.2) Act, 2019 (Act No. 6 of 2019). These includes: -
- ii. **The Excise (Management and Tariff) Act, (Cap.147)** -Was amended to reduce the Excise duty for Spirits obtained by distilling grape wine or grape marc from locally produced grapes from TZS 3,315.00 per litre to TZS 450 per litre. This was done to reduce tax on locally produced spirits from grapes and encourage manufactures to use locally manufactured grapes and encourage grape farming in Tanzania.
- iii. **The Local Government Authorities (Rating) Act, (Cap. 289)** was also amended to provide for the Tanzania Revenue Authority (TRA) as the authority empowered to collect and undertaking the rating of properties accordingly. Rateable property has also been redefined in City Councils, Municipal Councils, Town Councils and District councils. The redefinition considers the number of houses in one plot. *Section 16 has been amended to impose a property rate of TZS 10,000 for ordinary building and TZS 50,000 for each storey in a storey building for city council, municipal council and town council areas. In the case of District Council areas, a property rate of TZS 10,000 for ordinary building and TZS 20,000 for a storey building.*
- iv. Further, **The Mining Act, (CAP.123)** is amended under section 9 to include a precondition of having Tax clearance certificate for any transfer of mineral rights. In addition, Section 18 of the Act has been amended to provide for penalties for offenses relating to unauthorised trading of minerals to a fine of up to TZS 10Million or to imprisonment of up to three years or to both for an individual and for corporate a fine of up to TZS 50Million. The Amendment of section 27C of the Act requires that the buying and disposing of Minerals to be done only in the Mineral and Gem Houses save for holders of Mining Licenses or special mining licenses. Thus, Section 80 and 83 have consequently been amended to provide introduction and requirement of trading of minerals in Mineral and Gem Houses. New Section 86A and 86B are added to provide for regulation of importation of minerals in Tanzania. Any importer of minerals must obtain import permit upon making a declaration in a prescribed form and upon proof of compliance to international conventions and obligation.



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